



**UNITED STATES PATENT AND TRADEMARK OFFICE**

340.1004 COM  
AUG 28 2003  
TECH CENTER 1800/2300

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5-83  
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Examiner: Carlos A. Azpuru

Group Art Unit: 1615

Re: Application of: Anand R. BAICHWAL and John N. STANIFORTH

Serial No.: 10/047,060

Filed: January 14, 2002

For: **CONTROLLED RELEASE INSUFFLATION  
CARRIER FOR MEDICAMENTS**

**PETITION FOR EXTENSION UNDER 37 CFR 1.136(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 22, 2003

Sir:

Applicants petition the Commissioner for Patents to extend the time for response to the Office Action dated February 26, 2003 for three (3) months from May 26, 2003 to August 26, 2003.

Applicants note that a check for \$410.00 covering a two month extension of time was filed on July 28, 2003. Accordingly a check for \$840.00 is enclosed, of which \$520.00 is to cover the petition fee for the three (3) month extension of time and \$320.00 is to cover the Notice of Appeal fee. If it is determined that any additional fees are due, the Assistant Commissioner is authorized to charge our Deposit Account No. 50-0552.

08/26/2003 SSITHIB1 00000094 10047060

02 FC:1253

520.00 DP

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Leslye B. Davidson  
Reg. No. 38,854

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, N.Y. 10018  
(212) 736-1940

MAIL STOP: NON-FEE AMENDMENTS  
 COMMISSIONER FOR PATENTS  
 P.O. BOX 1450  
 Alexandria, VA, 22313-1450



Docket No.: 540.1004CON2  
 Date: August 22, 2003

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 AUG 28 2003  
 TECH CENTER 1600

In re application of: Anand R. BAICHWAL and John N. STANIFORTH  
 Serial No.: 10/047,060  
 Filed: January 14, 2002  
 For: **CONTROLLED RELEASE INSUFFLATION CARRIER FOR MEDICAMENTS**

Sir:

Transmitted herewith is a **Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences** in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)		(Col. 2)		PRESENT	SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	PREVIOUSLY	PAYED FOR		RATE	FEE		RATE	FEE
	AFTER				EXTRA					
TOTAL CLAIMS	18	Minus	20	=	0	x \$ 9	\$		x \$ 18	\$ 0
INDEP. CLAIMS	2	Minus	3	=	0	x \$ 39	\$		x \$ 78	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+ \$130	\$		+ \$260	\$
TOTAL:						\$		OR	TOTAL: \$ 0.00	

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☒ Petition for extension under 37 C.F.R. 1.136  
☐ Other:  
☒ Check(s) in the amount of **\$840.00** is attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☒ Petition fee for extension under 37 C.F.R. 1.136  
☒ Other: **Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences**  
☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.  
☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Leslye B. Davidson, Reg. No. 38,854  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 Seventh Avenue, 14<sup>th</sup> Floor  
 New York, New York 10018  
 (212) 736-1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service with sufficient postage as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on August 22, 2003.  
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: